

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v)	CR. NO. 2:07MJ35-TFM
)	
DEREK WULF)	

ORDER

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing was held on April 4, 2007 pursuant to the Government's Oral Motion for Detention. Based upon consideration of the evidence presented, the Court concludes that the defendant should be detained pending trial in this case.

Part I -- Findings of Fact

The indictment establishes probable cause to believe that the defendant has committed an offense for which the maximum term of imprisonment of ten years or more is prescribed in 18 U.S.C. § 1111. Namely, the Defendant is charged with second degree murder which carries a maximum penalty of life imprisonment. The defendant has not rebutted the presumption established by this finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community. There is a serious risk that the defendant will not appear and pose a danger to the community which cannot be offset by less restrictive alternatives.

Part II - Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that the defendant is a member of the United States Air Force

assigned to the Middle District of Alabama. Despite the defendant's job ties to the Middle District of Alabama, the defendant faces a murder charge which carries a potential term of life imprisonment. Based on clear and convincing evidence, this Court determines defendant. Wulf to be a flight risk and danger to the community based on the evidence presented at the hearing. Specifically, defendant Wulf acted in callous disregard for the safety and well being of his 3 year old daughter over a protracted time period. Further, the callous and reckless disregard shown by the defendant resulted in the death of defendant Wulf's 3 year old daughter by means of dehydration and malnutrition. Notwithstanding the lack of evidence that the defendant attempted flight upon his arrest or that he has done so previously, the Court has considered the nature of the present offense and the impact of the current arrest and concludes the defendant has not rebutted the presumption in favor of detention and must be detained until he can be taken to the District of New Mexico for further proceedings in connection with the charges.

Based on the foregoing considerations, the court concludes that there are no conditions or combination of conditions which will reasonably assure the appearance of the defendant or protect the community and that the defendant should be detained.

Part III - Directions Regarding Detention

Therefore, it is ORDERED that the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the

Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Done this 5th day of April, 2007.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE